

ORIGINAL
2 to CR w/o

36
6/2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKEY A. BECHTEL,
Plaintiff

v.

No. 1:01-CV-789

Judge Sylvia H. Rambo

DANIEL VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS; LOCAL 776;
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS; and ABF FREIGHT
SYSTEM, INCORPORATED,
Defendants

FILED
HARRISBURG, PA

MAY 31 2002

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

MOTION FOR LEAVE TO FILE PLAINTIFF'S RESPONSE TO DEFENDANT'S
Statement of [Undisputed] Material Facts
NUNC PRO TUNC

NOW COMES the Plaintiff, Rickey Bechtel, by and through his attorney, Robert S. Mirin, Esquire, and respectfully requests this Court to grant his Motion for Leave to File Plaintiff's Response to Defendant Unions [Undisputed] Material Facts *Nunc Pro Tunc*, and in support thereof avers the following:

1. On May 24, 2002, as directed by the Court, Plaintiff's Memorandum in Opposition to Defendants' Motions for Summary Judgment was filed along with Plaintiff's Response to Defendant ABF's Statement of [Undisputed] Facts, also extensive. Exhibits were lodged.

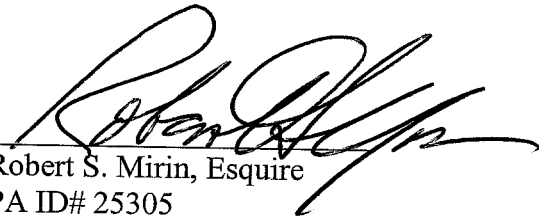
2. On the second following work day, May 29, 2002, it was ascertained that the caption on Plaintiff's Memorandum required amendment.

ORIGINAL

3. When the amendment was completed, it was ascertained that Plaintiff's Response to Defendant Union's Statement of [Undisputed] Material Facts had not been filed on Friday, May 24, 2002.

Accordingly, it is respectfully requested that the Court accept the Plaintiff's Response to Defendant Unions' [Undisputed] Material Facts, *Nunc Pro Tunc*.

Respectfully submitted,


Robert S. Mirin, Esquire
PA ID# 25305
8150 Derry Street
Suite A
Harrisburg, PA 17111-5260

Dated: 5/30/02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKEY A. BECHTEL,
Plaintiff

v.

:
:
:
:
:
:
:
:
:
:
:
:

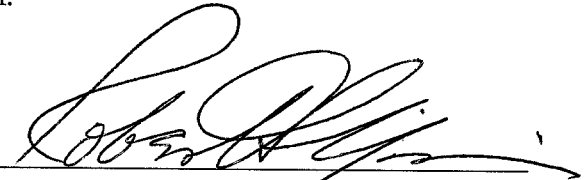
No. 1:01-CV-789

Judge Sylvia H. Rambo

DANIEL VIRTUE, Business Agent of the :
International Brotherhood of Teamsters; :
INTERNATIONAL BROTHERHOOD :
OF TEAMSTERS; LOCAL 776; :
INTERNATIONAL BROTHERHOOD :
OF TEAMSTERS; and ABF FREIGHT :
SYSTEM, INCORPORATED, :
Defendants :

CERTIFICATE OF CONCURRENCE

On this 31st day of May, 2002, pursuant to local rules, counsel for the Defendant, International Brotherhood of Teamster, Local 776, International Brotherhood of Teamsters, has been contacted and has indicated that he is "not free" at this time to concur in this motion.


Robert S. Mirin, Esquire

CERTIFICATE OF SERVICE

I, Robert S. Mirin, Esquire certify that a true and correct copy of the foregoing *Complaint* has been served by First-class, postage pre-paid, as follows:

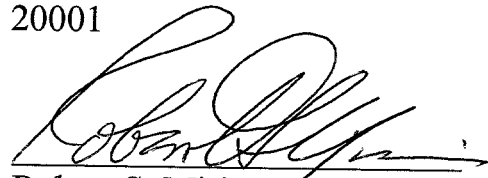
ABF Freight Systems, Inc.
C/O Joseph E. Santucci, Jr., Esquire
Mary D. Walsh, Esquire
MORGAN, LEWIS & BOCKIUS, LLP
1800 M. Street N.W.
Washington, DC 20036

Vincent Candiello
MORGAN, LEWIS & BOCKIUS, LLP
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101-1904

International Brotherhood of Teamsters, and Local 776, International
Brotherhood of Teamsters
C/O Ira Weinstock, Esquire
Wendy Dullea Bowie
IRA H. WEINSTOCK, P.C.
800 North Second Street
Harrisburg, PA 17101-1904

James A. McCall, Esquire
International Brotherhood of Teamster
25 Louisiana Avenue
Washington, D.C. 20001

Date: March 31, 2002


Robert S. Mirin, Esquire
AHMAD & MIRIN
8150 Derry Street, Suite A
Harrisburg, PA 17111
(717) 909-4343